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REMARKS

The present application includes claims 1-11, 14-23, 25-32, 34-46, and 48-49. Claims 1-11, 14-23, 25-32, 34-46, and 48-49 were rejected by the Examiner. Claims 1, 14, 25, 34, 48 and 49 have been amended by this response.

By this Amendment and Response, independent claims 1, 14, 25, 34, 48 and 49 have been amended. The claims have been amended per the Examiner's suggestion in order to obtain allowance of the pending claims. Claims 1, 14, 25, 34, 48 and 49 have been amended to recite that the medical content comprises a medical image and at least one of patient information, library information and administrative information, and the medical services comprises at least one of a time management service, an educational service and an administrative service. The Applicant reserves the right pursue the claims in their original and/or other forms in a continuation application.

Claims 1-11, 14-23, 25-32, 34-46, and 48-49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Killcommons et al. (U.S. Patent No. 6,424,996) in view of Rothschild et al. (U.S. Patent Application Publication 2002/0016718).

The Applicant turns to the Examiner's rejection of claims 1-11, 14-23, 25-32, 34-46, and 48-49 as being unpatentable over Killcommons in view of Rothschild. While the pending claims of the present application recite presence and/or use of a remote data center and a portal with a portal/data center connection allowing medical content and medical services to be remotely accessed by a user via the portal, Killcommons teaches assembling multimedia medical *image* data into an *email* for electronic mail communication to a user's computer (Abstract). The data

in the email is then extracted from the email to the user's computer by the user's computer and its browser enhancement module. The browser enhancement module is a "plug-in" or ActiveX control to enable a web browser to accommodate the multimedia image data (Abstract). The plug-in or ActiveX control at the user machine instructs the server on how to compile the email (Abstract). Conversely, the pending claims recite systems and methods in which a user simply selects and then views/uses medical content and/or medical services.

As previously stated, while Killcommons communicates medical *images*, it does not teach providing *medical services*, such as time management services, educational services, and administrative services (*see, e.g.,* col. 1, ln. 49 – col. 2, ln. 59). Killcommons makes brief mention of radiology or pathology reports or prior instances of treatment but does not disclose or fairly suggest providing medical content such as patient information, library information and administrative information.

Thus, the Applicant submits it is clear that Killcommons, which employs a server to gather image data into an email that is sent via an electronic mail program to a user computer to be extracted and stored on the local user's machine, is far removed from the presently claimed invention (*see, e.g.,* col. 3, ln. 31 – col. 4, ln. 22 and col. 9, ln. 42 – col. 10, ln. 57). The Killcommons system "pushes" the email data to the user's local machine as opposed to employing a centralized, application service provider model. To that end, Killcommons assembles the image data into an *email* for local storage rather than remotely providing access via a *portal*. Shifting functionality from a user to a server, and thus eliminating the browser enhancement module and email exchange, would be counter to the teachings of Killcommons, as shown in Figures 1, 2(a-d) and 3 and associated description. Furthermore, as stated by the Examiner, Killcommons does not teach, nor does it fairly suggest, a remote data center.

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Turning now to Rothschild, in order to anticipate the presently claimed invention, Rothschild must reasonably cure the many deficiencies of Killcommons with respect to the pending claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

The Examiner states that Rothschild is relied on to teach a medical *image* management system that includes a central data management system (item 30 in Figure 4), which is located remotely from the medical image system and the remote image viewing system (item 40 in Figure 4 and paragraph 155). Rothschild teaches a medical image management system that uses a central data management system to centrally manage the storage and transmission of medical images between remotely located facilities (Abstract). Specifically, Rothschild teaches the electronic delivery of medical images to doctors and other interested parties preferably using "push" technology, which delivers an image to a remote image viewing system (*see, e.g.,* page 5, paras. [0036] and [0042]; page 6, paras. [0053-54]). A polling system is provided so that remote or local workstation may request queued data to be delivered that is awaiting delivery in a medical image database management system (page 9, paras. [0089-90]). Additionally,

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Rothschild provides a system for tracking delivery of the image (page 5, para. [0037] and page 7, para. [0068]).

Thus, the Applicant respectfully submits that Rothschild clearly does not teach or fairly suggest providing other medical *information*, including patient information, library information and administrative information, for example, via a portal. Additionally, Rothschild does not teach providing *medical services*, such as time management services, educational services, and administrative services, via a portal. Rothschild does not teach or fairly suggest a portal providing a single access point for access to medical content and medical services. Rather, Rothschild addresses a medical *image* management system capable of communicating medical *images* in the form of electronic records (*see, e.g.*, Abstract).

Accordingly, the Applicant respectfully submits that Rothschild does not teach or fairly suggest the limitations claimed by the present application.

Since neither Killcommons nor Rothschild teach or fairly suggest providing medical content, including a medical image and at least one of patient information, library information and administrative information, and medical services, including time management services, educational services, and administrative services, via a portal, any combination of Killcommons and Rothschild still faces at least this deficiency with respect to the pending claims. Furthermore, hosting medical content and services and providing such content and services remotely runs counter to the teachings of Killcommons, which places a premium on the rapid communication of complete files via email and the pushing of information to the local user to rely on the local user to provide the processing power to view and/or manipulate the images and the storage capacity to store the images.

Accordingly, the Applicant respectfully submits that claims 1, 14, 25, 34, 48 and 49 and their respective dependent claims are allowable over the prior art of record and are patentable for at least the reasons given above. Allowance of claims 1-11, 14-23, 25-32, 34-46, and 48-49 is requested.

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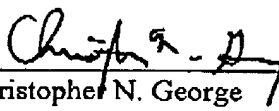
CONCLUSION

The Applicant submits that the present application is in condition for allowance. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of GEMS-IT, Account No. 502401.

Respectfully submitted,

Date: _____ May 3, 2006 _____

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